

EXHIBIT 5
DATE 1-12-09
HB 162

House Bill 162

Hearing Before the House Federal Relations,
Energy, and Telecommunications Committee

January 12, 2009, Room 172

Testimony of Representative J. David Roundstone, HD 41

Mr. Chairman and Members of the Committee:

- For the record, my name is David Roundstone. I represent House District 41 and I am a member of the Northern Cheyenne Tribe and I am pleased to present to you House Bill 162.
- House Bill 162 removes a limitation on Coal Board grants to tribal governments.
- As you know, the Coal Board makes grants to local governments and Tribes for the purpose of mitigating the impacts of coal development on communities. As you all know, the Northern Cheyenne and Crow reservations are located in the center of coal development country in Montana.
- Unlike other local governments, however, a tribal government is limited to 7% of the grant monies in any fiscal year for impacts, and must share this 7% with state agencies and with other tribal governments.
- This cap has limited the ability of both the Northern Cheyenne and Crow tribal governments to access the funds needed to help mitigate the impacts of coal development in the area.
- We expect coal development to increase substantially in the coming years: A major coal-to-liquids project, the Many Stars project, was recently announced by the Crow Tribe, and discussions are occurring with the Northern Cheyenne concerning the Otter Creek tracts.
- There is no doubt that my reservation will be impacted by these developments, and it is only fair that tribal governments should have the same access to these grant monies as do other governments.
- I know that the 7% limitation has been justified by some based on the Crow coal severance tax case, but there is no question in my mind that the state also receives substantial benefit from the mining of Crow coal. Not to mention the vast areas of ceded tribal land during the treaty era, and additional loss of many millions of acres more during the allotment area. In many cases, it is from the riches of these lands that Montana has been built.
- Also, tribal members are state citizens, and as such, entitled to state services. State-Tribal cooperation is the best way to serve those who live on the reservations.
- I urge a "do pass" on HB 162.
- Thank you, Mr. Chairman, and members of the committee, for your attention to this important matter.